

Union Calendar No. 412

108TH CONGRESS
2D SESSION

H. R. 1151

[Report No. 108-673]

To provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2003

Mr. MORAN of Virginia (for himself, Ms. NORTON, Mr. WYNN, Mr. VAN HOLLEN, Mr. TOM DAVIS of Virginia, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Government Reform

SEPTEMBER 9, 2004

Additional sponsors: Mr. WOLF and Mr. BLUMENAUER

SEPTEMBER 9, 2004

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their

place of employment and mass transit facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TRANSIT PASS TRANSPORTATION FRINGE BEN-**
 4 **EFITS.**

5 (a) IN GENERAL.—Effective as of the first day of the
 6 next fiscal year beginning after the date of the enactment
 7 of this Act, each covered agency shall implement a pro-
 8 gram under which all qualified Federal employees serving
 9 in or under such agency shall be offered transit pass trans-
 10 portation fringe benefits, as described in subsection (b).

11 (b) BENEFITS DESCRIBED.—The benefits described
 12 in this subsection are, as of any given date, the transit
 13 pass transportation fringe benefits which, under section
 14 2 of Executive Order 13150, are then currently required
 15 to be offered by Federal agencies in the National Capital
 16 Region.

17 (c) DEFINITIONS.—For purposes of this Act—

18 (1) the term “covered agency” means any agen-
 19 cy, to the extent of its facilities in the National Cap-
 20 ital Region;

21 (2) the term “agency” means any agency (as
 22 defined by 7905(a)(2) of title 5, United States Code)
 23 not otherwise covered by section 2 of Executive
 24 Order 13150, the United States Postal Service, the

1 Postal Rate Commission, and the Smithsonian Insti-
2 tution;

3 (3) the term “National Capital Region” in-
4 cludes the District of Columbia and every county or
5 other geographic area covered by section 2 of Execu-
6 tive Order 13150;

7 (4) the term “Executive Order 13150” refers to
8 Executive Order 13150 (5 U.S.C. 7905 note);

9 (5) the term “Federal agency” is used in the
10 same way as under section 2 of Executive Order
11 13150; and

12 (6) any determination as to whether or not one
13 is a “qualified Federal employee” shall be made ap-
14 plying the same criteria as would apply under sec-
15 tion 2 of Executive Order 13150.

16 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be considered to require that a covered agency—

18 (1) terminate any program or benefits in exist-
19 ence on the date of the enactment of this Act, or
20 postpone any plans to implement (before the effec-
21 tive date referred to in subsection (a)) any program
22 or benefits permitted or required under any other
23 provision of law; or

24 (2) discontinue (on or after the effective date
25 referred to in subsection (a)) any program or bene-

1 fits referred to in paragraph (1), so long as such
2 program or benefits satisfy the requirements of sub-
3 sections (a)–(c).

4 **SEC. 2. AUTHORITY TO USE GOVERNMENT VEHICLES TO**
5 **TRANSPORT FEDERAL EMPLOYEES BETWEEN**
6 **THEIR PLACE OF EMPLOYMENT AND MASS**
7 **TRANSIT FACILITIES.**

8 (a) IN GENERAL.—Section 1344 of title 31, United
9 States Code, is amended—

10 (1) by redesignating subsections (g) and (h) as
11 subsections (h) and (i), respectively; and

12 (2) by inserting after subsection (f) the fol-
13 lowing:

14 “(g)(1) A passenger carrier may be used to transport
15 an officer or employee of a Government agency between
16 the officer’s or employee’s place of employment and a
17 mass transit facility (whether or not publicly owned) in
18 accordance with succeeding provisions of this subsection.

19 “(2) A Government agency that provides transpor-
20 tation services under this subsection shall absorb the costs
21 of such services using any funds available to such agency,
22 whether by appropriation or otherwise.

23 “(3) In carrying out this subsection, a Government
24 agency shall—

1 “(A) to the maximum extent practicable, use al-
2 ternative fuel vehicles to provide transportation serv-
3 ices;

4 “(B) to the extent consistent with the purposes
5 of this subsection, provide transportation services in
6 a manner that does not result in additional gross in-
7 come for Federal income tax purposes; and

8 “(C) coordinate with other Government agen-
9 cies to share, and otherwise avoid duplication of,
10 transportation services provided under this sub-
11 section.

12 “(4) For purposes of any determination under chap-
13 ter 81 of title 5, an individual shall not be considered to
14 be in the ‘performance of duty’ by virtue of the fact that
15 such individual is receiving transportation services under
16 this subsection.

17 “(5)(A) The Administrator of General Services, after
18 consultation with the National Capital Planning Commis-
19 sion and other appropriate agencies, shall prescribe any
20 regulations necessary to carry out this subsection.

21 “(B) Transportation services under this subsection
22 shall be subject neither to the last sentence of subsection
23 (d)(3) nor to any regulations under the last sentence of
24 subsection (e)(1).

25 “(6) As used in this subsection—

1 “(A) the term ‘Government agency’ means a
2 Federal agency and the government of the District
3 of Columbia; and

4 “(B) the term ‘passenger carrier’ means a pas-
5 senger motor vehicle, aircraft, boat, ship, or other
6 similar means of transportation that is owned or
7 leased by the United States Government or the gov-
8 ernment of the District of Columbia.”.

9 (b) FUNDS FOR MAINTENANCE, REPAIR, ETC.—Sub-
10 section (a) of section 1344 of title 31, United States Code,
11 is amended by adding at the end the following:

12 “(3) For purposes of paragraph (1)—

13 “(A) the transportation of an individual be-
14 tween such individual’s place of employment and a
15 mass transit facility pursuant to subsection (g) is
16 transportation for an official purpose; and

17 “(B) the term ‘Federal agency’, as used in such
18 paragraph, shall be considered to mean a Govern-
19 ment agency (as defined by subsection (g)), to the
20 extent that the passenger carriers involved are used
21 in the provision of transportation services under
22 such subsection.”.

23 (c) COORDINATION.—The authority to provide trans-
24 portation services under section 1344(g) of title 31,
25 United States Code (as amended by subsection (a)) shall

- 1 be in addition to any authority otherwise available to the
- 2 agency involved.

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